

**MINUTES OF A REGULAR MEETING
OF THE
BOARD OF TRUSTEES
OF THE
TOWN OF BUENA VISTA, COLORADO
MARCH 9, 2010**

CALL TO ORDER

A Regular meeting of the Board of Trustees was called to order at 7:03 PM on Tuesday, March 9, 2010, at the Buena Vista Community Center, Pinon Room, 715 E. Main Street, Buena Vista, Colorado by Mayor Cara Russell. Present were Trustees Duff Lacy, Joel Benson, Robert Flint, Brett Mitchell, Keith Baker, Town Administrator Sue Boyd, Town Attorney Jeff Parker, Police Chief Jimmy Tidwell, Town Engineer Rachel Friedman, Town Planner Shannon Haydin, Town Treasurer Christine DeChristopher and Town Clerk Diane Spomer. Trustee Nyberg was absent.

ROLL CALL

Town Clerk Spomer proceeded with the roll call and declared a quorum.

PLEDGE OF ALLEGIANCE

Mayor Russell led in the Pledge of Allegiance.

AGENDA ADOPTION

Mayor Russell noted Earl Richmond plans on being present but will be delayed and the Parks Master Plan discussion can occur when he arrives.

Motion #1 by Trustee Flint, seconded by Trustee Mitchell, to adopt the agenda as presented. Motion carried.

CONSENT AGENDA

- A. **Minutes**
 - 1. Regular Meeting – February 23, 2010
- B. **Advisory Board Minutes**
 - 1. Planning & Zoning Commission
 - 2. Trails Advisory Board

Mayor Russell noted a change to page 15, the final bullet before Treasurer should read "is the next date of the Airport Commission"; top of the next page the motion should say "from the kiosk to the GIS project" and thanked staff for the draft P&Z minutes.

Trustee Baker unable to attend on CDOT enhancement grants we got the grant but it is unfunded? Rachel-the money was rescinded but the town will reapply and the next app is due in April?

Trustee Benson noted a correction on page 9, 3rd paragraph at the end to reconsider at some point in time should say "according to the 10 year census"; on page 11 on the Energy Plan add "Trustee Benson felt the plan represented inaccurate data and dealt with symptoms and not problems"; page 16 just below motion #10 the first sentence should include "when the Town places it on the sidewalks it is inconsistent with our own code and requested we modify the code to allow for ATVs for plowing". Joel asked about the rationale used on page 25 under Staff Report. Shannon Haydin noted the business referenced has boards inside the building and the sign code does not regulate signs inside a building. Attorney Parker stated our code says the signs have to be attached or affixed to the window to be a window sign; we can amend the code to deal with a sign placed inside a window. Shannon added that the sign code does not regulate signs fixed to the window to be a window sign and signs on the inside are OK but we can revise the code to address signs placed inside a window.

Trustee Flint noted a correction on page 17, at the top the minutes should say "meeting of the P&Z".

Motion #2 by Trustee Baker, seconded by Trustee Flint, to approve the Consent Agenda as amended. Motion carried.

PUBLIC COMMENT

Bob Johnson, 16177 CR 350, was asked to show a relationship of data kept at the airport and how it relates to the value of the airport; Bob got the 2008 study presented by CDOT which documents every dollar at an airport and how it flows into the community; presented a report that outlines the information and noted a supplemental is done every year.

RESPONSE TO PUBLIC COMMENT

Trustee Benson thanked Bob for the information.

OLD BUSINESS

DISCUSSION OF ALTERNATE UNION PACIFIC PROJECT

Town Engineer Friedman advised that after execution of an agreement with UPRR, they called and offered a free solution; they will replace new timbers and saw cut existing pavement. They said "no" to a new agreement, but did send an e-mail documenting what they will do for free for consideration by Council.

Sue added that this is about the railroad making an improvement to their property. Attorney Parker added that he would like to see an agreement, but if you get a \$48,000 job done for free the decision is up to Council. Christine noted there would be a minimal cost to the Town for replacing asphalt and concrete.

Discussion followed on the bill for the design costs incurred to-date – the original agreement was that if we did not proceed we would have to reimburse them for design costs; the timeline is getting the work done as soon as there is thaw; put a tag in the file so when things get bad we do not spend more funds on administrative fees; Trustee Benson expressed that, in terms of process, in November he asked staff what other alternatives there were and was told there were no other alternatives and felt it was due to lack of research, suggested staff spend more time doing "due diligence" in the future, felt it was great we do not have to spend funds but asked staff to be aware of questioning things in the future. Rachel Friedman stated she asked the Union Pacific if there was another alternative, they stated they could do an asphalt patch and staff did not go for it since it would only last a few years and this alternative was presented on the 26th. Trustee Benson felt Roy presented a different idea.

Motion #3 by Trustee Benson to approve Resolution #8. Discussion held. The motion as withdrawn.

Motion #4 by Trustee Benson, seconded by Trustee Mitchell, to accept the revised program. Roll call vote: Benson-aye, Baker-aye, Lacy-aye, Mitchell-aye, Flint-aye. Motion carried.

NEW BUSINESS

PUBLIC HEARING – TO CONSIDER A REQUEST FOR A COMMUNITY GARDEN TO BE PLACED ON PROPERTY ZONED OPEN SPACE IN THE S. MAIN PUD

Town Planner Haydin noted the request is to allow a community garden at S Main and Swift Circle; a tree lawn is already in place with a sidewalk and utility boxes; a 6' fence will be installed with garden plots; the applicant plans to plant fruit trees with flowers around the outside of the garden; the property is currently vacant land and zoned open space within the S. Main PUD that is not platted yet but will be in Phase III.

The intent is to dedicate the garden to the Town after planting; surrounding land is open space to the north, residential to the east, with the rest residential and mixed-use; park land is zoned S1 in Town but within this PUD it is zoned Open Space District; garden users can park on S Main or Swift or walk to the site; the Association is willing to open up the garden to non-residents of the neighborhood; an existing irrigation line is on the property that has not been connected to the Town system yet; a system development fee will have to be paid by the applicant which will be addressed with the next agenda item; there are no known natural hazards on the property; this project will reduce energy and minimizes use of toxic chemicals and water use. Shannon outlined the criteria for review: no proposed structures for the property; need for off-street parking is not significant; refuse and service areas-some composting will be done; utilities-site will be irrigated with drip irrigation system and will meter the line and pay for water; screening and buffering-fits the neighborhood and is nicely landscaped with no need for a buffer; signage will be minimal-P&Z requested that any signage be consistent with the Sign Code; Open Space District-any use that is not specifically contemplated in the code can be reviewed by a Special Use by P&Z if it is compatible with adjoining uses, there is pedestrian access, there will not be traffic generation and impacts-there may be some odor from composting but it can be minimized.

Discussion held on general dimensions of the area 35' x 45' (1200 SF); how plots are going to be allocated.

Mayor Russell opened the public comment portion of the hearing at 7:32 PM.

Katie Urban, 1000 Wave Street, noted there will be raised beds and participants might get half a plot or full plot depending on participation.

Mickey Russell, 94 Connie Drive, asked what the value of the property that is being donated to the Town was and the value of the tap fee-\$5,000 for tap fee.

With no other comments received, Mayor Russell closed the comment portion of the hearing at 7:36 PM.

Discussion continued on growing corn; set-backs of 5'; P&Z recommendations were similar to staff except for the height of the fence (Chapter 18 of the Code limits height to 4' in the front and 6' in the back but after further review that limitation only applies to residential); Chapter 18 allows for a 6' fence under Special Review; staff recommends that the system development fee gets paid somehow; does this meet all the guidelines of current open space use; plots would be assigned by dividing per unit the amount that each unit is spending to build the garden (\$150) and if anyone wants to be a part they would pay that rate to be a member; Turner Farm is a community space that the Ark Valley Christian Mission gets the produce from; Katie stated that David Lynch felt the easiest way is to divide the space; monthly water payment will be a small fee to cover water use and will need to be worked out after one year of experience; what happens if the property is deeded to the Town in a few years and there is a fence; the plan makes sense but in 10 years it could change and safeguards need to be put in place; the subject property is next to a land-fill and there has never been a landscape plan; a lot of communities dealing with community gardens are discussing governance; the Town Company needs to provide authorization for the community garden as additional condition "g" in the resolution.

- Should the Board approve adoption of Resolution #26, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES OF THE TOWN OF BUENA VISTA, COLORADO, APPROVING A SPECIAL USE PERMIT FOR SOUTH MAIN NEIGHBORHOOD ASSOCIATION, FOR THE USE OF OPEN SPACE PROPERTY FOR A COMMUNITY GARDEN, ON PROPERTY DESCRIBED PART OF THE SE ¼ OF SECTION 9 RANGE 14 TOWNSHIP 78 SOUTH MAIN PUD MAP 351776 BV167 REC 335672 AND 344175, SAID PROPERTY BEING LOCATED WITHIN THE TOWN LIMITS OF THE TOWN OF BUENA VISTA**"?

Motion #5 by Trustee Baker, seconded by Trustee Mitchell, to approve with item G being added that we receive a letter from the owner authorizing the Neighborhood Association to apply for a Special Use

Permit. Discussion continued on this is a Special Use because a garden is not explicitly considered in the PUD, when it becomes Town property it needs a license agreement. Motion carried.

DISCUSSION OF SYSTEM DEVELOPMENT FEE FOR THE PROPOSED S. MAIN COMMUNITY GARDEN

Town Engineer Friedman noted a system development fee is required for all uses; the minimum is \$5,000 for a ¾" meter; the applicant has asked the Town to pay the fee and staff looked at alternatives; it is a small site and would use 0.06 acre feet per year and .25 is used for an average household; the Town could charge the applicant a \$5,000 fee, could donate the \$5000 or amend the code to have a new calculation based on use for areas that are small and protect it for community gardens only and not private gardens.

Discussion followed on when the Town gets the land and it becomes open space with a park we would use more water with a \$5,000 system development fee; there was never a plan for the parcel-it is next to a drainage area; the funding for the garden is \$8,000 total and they could not proceed with the garden with the \$5000 fee; if the Town puts in irrigated turf they have to pay the system development fee for a larger meter size; the system development fees are used for pumps, the plant, distribution lines and infrastructure; no Town parks have a ¾" meter; there is no provision in the code for an irrigation tap; tap size dictates how much water your maximum capacity is; if the fee is waived the \$5,000 has to be paid by the General Fund; a code amendment needs to be made to Sec. 13-123(b) "no person may apply for a connection permit absent a current building or excavation permit for the building or property" and this applies to Town parks also; do a code amendment to allow a 5/8" meter; table the discussion to see what other communities are doing; a 5/8" meter size would generate a lower fee.

Council directed staff to draft an ordinance and determine a price for a 5/8" meter with provisions also for irrigation only and for seasonal uses and to set the item for a Public Hearing.

PUBLIC HEARING – Should the Board approve adoption of Ordinance #6, Series 2010, entitled "AN ORDINANCE OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE BUENA VISTA MUNICIPAL CODE FOR EXPIRATION OF BUILDING PERMITS"?

Town Attorney Parker stated this ordinance was based on a County request that the Building Code needed to be amended; he reviewed some previous ordinances adopting the codes and in 2002 the Town adopted the 2000 IBC and we now have the 2006 IBC; the Town did not adopt the 10 year expiration provision for 2000 IBC for permits that were issued and added that the Town does not have to do an ordinance since the permits can be extended.

Mayor Russell opened the public comment portion of the hearing at 8:32 PM with none received and closed the comment portion of the hearing.

Should the Board approve adoption of Resolution #27, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO APPOINTING JUDGES OF ELECTION FOR THE REGULAR MUNICIPAL ELECTION ON APRIL 6, 2010"?

Motion #6 by Trustee Benson, seconded by Trustee Mitchell, to approve adoption of Resolution #27, Series 2010. Motion carried.

A recess was taken from 8:32 PM to 8:39 PM.

DISCUSSION OF PARKS MASTER PLAN SUGGESTIONS

Town Administrator Boyd noted this was envisioned to be a 6 month planning process with feedback from the Trustees before the Rec. Board moves forward with a goal to come back with a formal park master plan in July.

Earl Richmond, 412 Cedar Street, Co-Chair of Rec Board, gave an update of where the group came from and where they are headed; noted they pushed hard for a Rec. Center; put a community survey together in the County to find out the needs, were unable to get funding together and put things on hold; in 2009 the Rec. Board came together with new members and energy and applied for a GOCO Planning Grant to survey needs of the community but did not receive the grant. They decided to push forward and create a Parks Master Plan in the next 6 months, get smaller recreation opportunities as a reality and to think about long-term bigger projects that could be supported through GOCO Grants and budget cycles. A list of priorities were provided and Earl gave a summary of the items including safety concerns of Town parks, Rec. Board wish list prioritized by Rec. Board, Rec Center wish list, Parks wish list, School wish list, Rodeo Grounds group wish list, Performing Arts Center wish list and solicited input.

Discussion held on single track bike trails and consideration for trails for beginners; opening the Town pond for paddling 1 night per week; the Rec. Board will be gathering public input on some of the prioritized projects to get a vision on where some could be located; costs to do maintenance/upgrades to the skate park; the need for additional softball/baseball fields; forming a Rec. District but there was not enough financial push to get it moving forward and was attempted 15 times in years past with no success; funding sources for Rec. Centers are DOLA Impact Funds and asking the County Commissioners for Conservation Trust funds; safety concerns from Steve Plumb were not budgeted; between staff and an Intern visuals can be provided to conduct community meetings before it comes back before the Board for final action. Earl requested that Council forward input they receive from residents on to the Rec. Board. Eric Gibb added that one priority is to keep our current parks safe and intact, to plan for the future and make small yearly progress.

Should the Board approve adoption of Resolution #28, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AUTHORIZING EXECUTION OF A CONTRACT BETWEEN THE TOWN OF BUENA VISTA AND THE DIVISION OF LOCAL AFFAIRS/COLORADO STATE UNIVERSITY FOR TECHNICAL ASSISTANCE WITH THE PARKS MASTER PLAN"?

Mayor Russell noted this is to hire an intern to help with the planning; the Town portion is \$1000 and \$1500 from DOLA. Sue noted funds were budgeted (\$5000) to match the grant.

Discussion followed on this will put together mapping for where things will go and conceptual designs of things like a "pump track".

Motion #7 by Trustee Flint, seconded by Trustee Mitchell, to approve adoption of Resolution #28, Series 2010. Roll call vote: Lacy-aye, Mitchell-aye, Flint-aye, Benson-aye, Baker-aye. Motion carried. Rachel did a parcel map that can be used as a start and will e-mail it to the Trustees and can add the existing trails.

Should the Board approve adoption of Resolution #29, Series 2010, entitled "A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, APPROVING A NEW BUSINESS ASSOCIATE AGREEMENT WITH WILLIS OF COLORADO, ADMINISTRATOR OF THE CEPT HEALTH INSURANCE PLAN"?

Town Treasurer DeChristopher noted Willis is the 3rd party administrator for the Town's health plan and the insurance is through United Medical; changes under HIPPA necessitating including their new business associate agreement that allows them to have the information and talk to us about the information, they will not disclose anything they cannot and will maintain confidentiality. The third

Whereas Clause needs one P and 2 A's. Jeff has not reviewed the agreement but Christine noted it does not change anything in how we operate.

Motion #8 by Trustee Benson, seconded by Trustee Mitchell, to approve adoption of Resolution #29, Series 2010. Roll call vote: Mitchell-aye, Lacy-aye, Flint-aye, Benson-aye, Baker-aye. Motion carried.

Should the Board approve adoption of Resolution #30, Series 2010, entitled "**A RESOLUTION OF THE BOARD OF TRUSTEES FOR THE TOWN OF BUENA VISTA, COLORADO, AMENDING THE BUENA VISTA COMMUNITY TRAILS PLAN DATED MAY, 2008**"?

Town Planner Haydin noted this will formalize things when we look at trails as we want developers to comply with AASHTO standards. Discussion followed on our current plan references standards and the language "Town of Breckenridge" and the need for a national standard.

Motion #9 by Trustee Benson, seconded by Trustee Flint, to approve adoption of Resolution #30, Series 2010. Motion carried.

STAFF REPORTS

TOWN ADMINISTRATOR

Administrator Boyd had the following items to cover:

- A proposal presentation is pending for the March 23 agenda that has numerous items and asked for input from Council on scheduling. Discussion followed on length of the next agenda and Council requested the item be added to the March 23 agenda.
- The pipeline project is underway; Steve Hansen and Nestle are both conceptually committed to granting easements to the Town across the west end of the Gunsmoke property and the east side of Nestle and building the pipeline in the future; ACA is donating the construction; all easements are in place but we need to proceed with easement agreements as described and will need to negotiate with Steve Hansen on providing the easement.
- On page 98, E911 Authority Board should say an increase of surcharge of \$.25 cents that will bring it to \$1.25; we just got the agreements and will need action soon. The County is struggling financially with all emergency services but mostly through communications and emergency medical services. Attorney Parker noted it has to go through the Boards for approval and then to the PUC Board for approval.
- Mayor Russell asked about NIMS training on-line. Sue received an e-mail on training scheduled for April 8 at 6 PM at the Toubert Building in Salida with RSVP's due by March 26; staff is working on a data base and all Trustees need to complete the training for the Town to qualify for grants.
- A letter was presented from the Carriage Group regarding planning for the Rodeo Grounds.
- Trustee Benson suggested placing a laminated sign on the street furniture letting people know where the public comment boxes are; Joel asked about the status of the Texaco Station. Sue met with Bev Coggins about her vision and what she knows; suggested preparing to negotiate with the current owner to get their interest; the Town may take ownership of the property and level the playing field so it is reasonable priced and a developable property is what we are trying to pursue. Discussion followed on the property having a "clean bill of health" and if the Town participates as outlined we may be able to help and are trying to do research to alleviate a level of risk on the property and this is necessary to carry on conversations with interested individuals.
- Sue Boyd advised that vehicle traffic toward S. Main on one road is dirt and individuals are raising concerns over potholes. Rachel Friedman added that the road from Eddyline to River Park is not platted until Phase III, it was built to put in a water line and sewer line and for construction access; Jed Selby says it is not a platted road and does not want to maintain the road and the Town does not need to maintain roads they do not own. We discussed removing the S. Main sign and putting up a sign noting "construction traffic only". Discussion followed on blocking the road since it is not a road; the Eddyline brings a lot of business to Town; the Town has no liability since it is not our road; Jed is maintaining the road since he knows he should but we can't hold him to it.

AIRPORT MANAGEMENT

Administrator Boyd had the following items to cover:

- We recommend adding security cameras to the Capital Improvement Plan since things are happening that shouldn't and there is a level of urgency. Discussion followed on people realigning valves on the fuel island; lights turned on on the Excursion and the battery being drained; removal of safety bolts and O rings; things inside the fence are a Federal offense; Police Dept. has been out there on several occasions; Police Dept. purchased cameras and suggested putting some around and motion lights/sensors to alleviate any more problems.
- Notified Mark Muller of the approved amendment to the Twin Peaks Ground Lease so they can sublease, but the hangar management agreement is pending recommendations of airport operations going forward; Mark will be in Town to touch base later this month.
- The Airport Board scheduled a special meeting last night to discuss changes to the airport layout plan; there are plans for an open house after renovations to the terminal that include a T-shirt design contest; the role of the Airport Board was also discussed by the Airport Commission.
- Trustee Lacy referenced the memo Christine passed out at the last meeting and requested getting it before the meeting so he has time to review before any discussion. Christine outlined why it came after the fact. Duff noticed there wasn't a difference in years until you get to personnel and asked if 2007 was only part of a year. Christine noted it was, facilities were limited in 2008, we added a PT in May 2009, the bus was not contemplated as a burden to the airport; spiking occurred when overtime started.
- Trustee Benson asked about the training in Las Vegas. Sue advised there were three that attended; they are now certified but need some training before they can fuel on their own.
- Trustee Lacy asked about packets being mailed out. Sue noted the intent is to send out information to the list of interested individuals showing them the basics and it can be put on the website also.

TOWN TREASURER

- They installed the server yesterday at Town Hall and everyone is connected.
- Mayor Russell asked how the changes in sales tax exemptions will affect the Town. Christine noted our sales tax follows State sales tax and expects we will see a slight increase; they are sending information out to everyone who has a sales tax license; Christine will e-mail her complete report as some pages did not get included in the packet.

POLICE DEPARTMENT/CALL REPORT/MUNICIPAL COURT

- Mayor Russell asked about the low call report. Chief Tidwell advised of some extra investigations they have been busy with in Canon City, Pueblo, Thornton and follow-up is going well.
- Mayor Russell asked when the testing will occur. Jimmy noted they are planning for March 17 but may postpone until they get all applications and may extend it another week.

PUBLIC WORKS

- There will be a dig on Mill Street for leaks; the River Park work is completed.
- Trustee Baker suggested scheduling a Town Clean Up day in the spring.
- Trustee Lacy asked if the road by Alpine Towing ever gets graded as the school buses are taking a beating. Shannon stated it is required to be paved when Gregg Drive gets paved per their Development Agreement.

TRUSTEE/STAFF INTERACTION

- Trustee Lacy had a complaint of bicycles on sidewalks on Main Street and asked who gets the calls. Chief Tidwell stated they have had the problem for a long time; parents do not want their kids riding on E. Main because of vehicles backing out.
- Trustee Benson suggested looking at banner poles to advertise to support events in Town; Joel asked about budgeted funds for someone to do carving with the tree stump in McPhelmy Park and suggested putting out an RFP; Joel noted a dog fell in a mine shaft on the trail and suggested the Town talk to the BLM about the danger.
- Trustee Baker got a CIRSA packet about risk reduction and asked if we had a safety inspection. Christine noted they do a paperwork audit and in the fall they do a walk-through. Discussion followed on minimizing risk; CIRSA sends out a training schedule; Police Dept. documents every

6 weeks training and when CIRSA comes they have a copy of all their training and try to base it on what CIRSA likes.

- Trustee Lacy suggested implementing a purchasing policy quickly. Christine noted the Town has a purchasing policy but it does not include getting three bids and other things. Cara will write a memo to go into paychecks.
- Mayor Russell attended a function where Medical Marijuana Dispensary legislation was discussed, "local control" was mentioned over and over and it will continue to the end of the legislative session. Sue asked if Council wanted to schedule a work session before the Public Hearing on March 23. Discussion followed on getting public input; Centennial had a ban in place, got sued and the court overturned the ban; HB24 contemplates a local ban that may change things, State statute allows a ban; having input at the April 13 meeting with a work session followed by a Public Hearing.

EXECUTIVE SESSION - FOR THE PURPOSE OF RECEIVING LEGAL ADVICE ON SPECIFIC LEGAL QUESTIONS UNDER C.R.S. 24-6-402 (4) (B) REGARDING A COMPLAINT FILED BY PROTESTORS RELATING TO PROTEST HEARING ORDER DATED JANUARY 29, 2010, DEEMING THE REFERENDUM PETITION SUFFICIENT

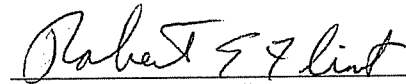
Motion #10 by Trustee Benson, seconded by Trustee Mitchell, to enter into Executive Session for the purpose of receiving legal advice on specific legal questions under C.R.S. 24-6-402 (4) (b) regarding a complaint filed by Protestors relating to Protest Hearing Order dated January 29, 2010, deeming the referendum petition sufficient. Motion carried. Those present for Executive Session were Mayor Russell, Trustees Duff Lacy, Robert Flint, Keith Baker, Brett Mitchell, Joel Benson, Town Administrator Sue Boyd, Town Attorney Jeff Parker and Town Clerk Diane Spomer. Executive Session was held from 10:42 PM to 10:57 PM.

Motion #11 by Trustee Benson, seconded by Trustee Mitchell, to adjourn back to regular session. Motion carried.

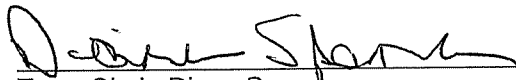
ADJOURNMENT

Motion #12 by Trustee Baker, seconded by Trustee Flint, noting that there being no further business to come before the Board declared that the meeting be adjourned at 11:01 PM. Motion carried.

Respectfully submitted:



Mayor, Cara Russell



Town Clerk, Diane Spomer